

**LANDSCAPE ARCHITECTURAL EXAMINING BOARD[193D]**

**Notice of Intended Action**

**Proposing rule making related to continuing education requirements  
and providing an opportunity for public comment**

The Landscape Architectural Examining Board hereby proposes to amend Chapter 3, “Continuing Education,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 544B.5 and 546.10.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 17A.7, 272C.2 and 544B.5.

*Purpose and Summary*

The proposed amendments are a result of the five-year rolling review of administrative rules as outlined in Iowa Code section 17A.7(2). A committee of the Board, including Board members and staff, with the assistance of legal counsel, reviewed Chapter 3 to identify outdated or redundant references, inconsistencies with statutes, and methods of enhancing efficiencies. The amendments update citations and make general updates.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 193—Chapter 5.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 20, 2018. Comments should be directed to:

Jill Simbro  
Landscape Architectural Examining Board  
200 East Grand Avenue, Suite 350  
Des Moines, Iowa 50309  
Email: [jill.simbro@iowa.gov](mailto:jill.simbro@iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 20, 2018  
9 to 9:30 a.m.

Board Office, Suite 350  
200 East Grand Avenue  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 193D—3.1(544B,17A) as follows:

**193D—3.1(544B,17A) Definitions.** As used in these rules, the following definitions shall apply:

“Distance learning” means any education process based on the geographical separation of student and instructor. “Distance learning” includes computer-generated programs, webinars, and home-study/correspondence programs.

“Health, safety, and welfare subjects” means technical and professional subjects that the board deems appropriate to safeguard directly the public’s health, safety, and welfare. Such subjects include design, environmental systems, site design, land use analyses, landscape architecture programming, grading and drainage, storm water management, erosion control, site and soil analyses, accessibility, building codes, review of state registration laws including the rules of professional conduct, evaluation and selection of products and materials, cost analysis, construction methods, contract documentation, construction contract administration, construction administration, construction-phase office procedures, project management, and the like.

“Hours of continuing education” of continuing education means a contact hour spent in either structured educational activities or individually planned activities intended to increase the professional landscape architect’s knowledge and competence in public protection subjects and related practice subjects. “Contact hour” is defined as the typical 50-minute classroom instructional session or its equivalent. One continuing education unit (CEU) offered by an accredited sponsor shall be considered equivalent to ten contact hours of continuing education.

“Individually planned education” means educational activities in which the professional landscape architect personally addresses public protection subjects or related practice subjects which are not systematically presented by others, including reading or writing articles on such subjects; studying or researching landscape architecture, designs or building types; rendering services to the public; advancing the profession’s and public’s understanding of the practice of landscape architecture; and the like.

“Structured educational activities” means educational activities in which the teaching methodology consists primarily of systematic presentation of public protection subjects or related practice subjects by qualified individuals or organizations including monographs, courses of study taught in person or by correspondence, organized lectures, presentations or workshops, and other means through which identifiable technical and professional subjects are presented in a planned manner.

ITEM 2. Amend rule 193D—3.2(544B,17A) as follows:

**193D—3.2(544B,17A) Continuing education requirements.** In order for professional landscape architects to provide competent, professional services to the public, continuing education shall consist of learning experiences that enhance, expand and keep current the skills, knowledge, and abilities of practicing professionals. Professional landscape architects may pursue learning experiences in technical, nontechnical, regulatory, ethics and business practice areas, provided that the continuing education directly benefits the health, safety, ~~or~~ and welfare of the public.

**3.2(1)** Hours required. Each registrant shall complete during each two-year licensing term a minimum of 24 hours of continuing education approved by the board. Compliance with the continuing education requirements is a prerequisite for license renewal.

**3.2(2)** Within any biennial renewal period, ~~24 contact hours~~ 24 hours of continuing education must be acquired and shall be in health, safety, and welfare subjects acquired in ~~structural~~ structured educational activities. ~~The hours earned in self-study activities shall be limited to 6 hours during any renewal period.~~ Hours acquired in any 24-month renewal period may not be carried over to a subsequent 24-month renewal period. Continuing education hours may be acquired in any location.

**3.2(3)** A professional landscape architect who holds a license in Iowa for less than 12 months from the date of initial licensure shall not be required to report continuing education at the first license renewal. A professional landscape architect who holds a license in Iowa for more than 12 months, but less than 24 months from the date of initial licensure, shall be required to report ~~12 contact hours of continuing education~~ 12 hours of continuing education in health, safety, and welfare subjects earned in the preceding 12 months at the first license renewal.

**3.2(4)** Sources of continuing education. The following suggested list may be used by all licensees to determine the types of activities which may fulfill the continuing education requirements. All hours of continuing education must also comply with the directive in subrule 3.2(2).

~~a. Contact hours~~ a. Hours of continuing education in attendance at short courses or seminars dealing with landscape architectural subjects and sponsored by colleges, universities or professional organizations.

~~b. Contact hours~~ b. Hours of continuing education in attendance at presentations on landscape architectural subjects, which are held in conjunction with conventions or at seminars related to materials use and function. Presentations such as those presented by ~~the Council of Landscape Architecture Registration Boards (CLARB)~~ CLARB, American Society of Landscape Architects, Construction Specification Institute, Construction Products Manufacturers Council or similar organizations devoted to landscape architecture education may qualify.

~~c. Contact hours~~ c. Hours of continuing education in attendance at short courses or seminars relating to business practice or new technology and offered by colleges, universities, professional organizations or system suppliers.

~~d. Presenting~~ d. Hours of continuing education spent presenting or teaching courses or seminars in landscape architecture. Three preparation hours may be claimed for each class hour spent teaching landscape architectural courses or seminars. College or university faculty members may not claim credit for teaching regular curriculum courses.

~~e. Contact hours~~ e. Hours of continuing education spent in learning through professional service to the public which draws upon the licensee's professional expertise on boards and commissions, such as serving on planning commissions, building code advisory boards, urban renewal boards, ~~or~~ code study commissions or community boards. Hours of continuing education under this paragraph shall be limited to 6 hours earned in any biennial renewal period.

~~f. Contact hours~~ f. Hours of continuing education spent in landscape architectural research which is published or formally presented to the profession or public. Credit may be claimed only following proof of publication or presentation. Hours of continuing education under this paragraph shall be limited to 12 hours earned in any biennial renewal period.

~~g. Contact hours~~ g. Hours of continuing education spent in landscape architectural self-study courses presented in written format or via the Internet, television, video, or audio, such as those sponsored

by the American Society of Landscape Architects, CLARB, or similar organizations. Courses must conclude distance learning that concludes with an examination or other verification of course completion. Self-study hours shall be limited to 6 hours earned in any biennial renewal period, effective for renewals that are due on June 30, 2008.

h. College or university courses dealing with landscape architectural subjects or business practice. Each semester hour shall equal 15 ~~contact~~ hours of continuing education. A quarter hour shall equal 10 ~~contact~~ hours of continuing education.

i. ~~Contact hours~~ Hours of continuing education spent in educational tours or tours in areas significant in to landscape architecture when the tour is sponsored by college, university or professional organizations and verification of participation is provided by the tour sponsor. Self-guided tours do not qualify. Hours of continuing education under this paragraph shall be limited to 6 hours earned in any biennial renewal period.

j. ~~Contact hours~~ Hours of continuing education spent attending in-house educational programs, including dinner, luncheon, and breakfast meetings.

**3.2(5) Financing.** It is the responsibility of each licensee to finance the costs for continuing education.

ITEM 3. Amend rule 193D—3.3(544B,17A) as follows:

**193D—3.3(544B,17A) Reporting and evidence Compliance.**

**3.3(1)** Each professional landscape architect shall file with the board a signed report, under penalty of perjury, on forms provided by the board or by ~~on-line~~ online renewal, setting forth the continuing education activities in which the professional landscape architect has participated. The report shall be filed with the renewal application for each two-year renewal period in which the claimed hours of continuing education ~~hours~~ were completed. The information in the report shall include:

- a. School, firm or organization conducting the course.
- b. Location of the course.
- c. Title of the course and description of the content.
- d. Principal instructor(s).
- e. Dates attended.
- f. Hours claimed.
- g. In instances of service on a professional or community board, or other undocumented hours of continuing education, the licensee shall provide a narrative description of the materials the licensee reviewed, the nature of the licensee's service, and a description as to how the licensee's claimed hours of continuing education have contributed to the health, safety and welfare of the public.

This information shall be kept by the licensee for reported hours of continuing education for two years.

**3.3(2)** A professional landscape architect's continuing education report forms or ~~on-line~~ online renewal may be selected for review by the board for verification of compliance with these requirements. Evidence of compliance shall be maintained by the professional landscape architect for two years after the period for which the form was submitted and shall include written verification of attendance by someone other than the licensee. Examples of evidence may include, but are not limited to, a certificate of completion presented by the program sponsor, a letter from an employer verifying attendance at an in-firm training session, or copies of minutes from public service meetings. Canceled checks or receipts for payments of fees to attend a program are not evidence of actual attendance and are not acceptable.

**3.3(3)** If the board disallows or finds incomplete/unsatisfactory any hours of continuing education ~~hours~~, unless the board finds, following notice and hearing, that the professional landscape architect willfully disregarded continuing education requirements, then the professional landscape architect shall have ~~six months~~ 60 days from notice of such disallowance to make up the deficiency by acquiring the required number of ~~contact~~ hours of continuing education. Such hours shall not again be used for the next renewal.